



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

#2

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

MAY 31 2000

Kenyon & Kenyon
One Broadway
New York, NY 10004

In re Application of
Berger
Application No.: 09/530389
PCT No.: PCT/EP99/05972
Int. Filing Date: 14 August 1999
Priority Date: 27 August 1998
Attorney's Docket No.: 2345/127
For: Method for Instrumental Voice Quality Evaluation

COMMUNICATION

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 14 August 1999, applicants filed international application PCT/EP99/05972, claiming priority of an earlier application filed on 27 August 1998. The International Bureau transmitted a copy of the international application to the United States Patent and Trademark Office on 09 March 2000. No Demand for international preliminary examination electing the United States appears to have been filed prior to the elapse of 19 months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired as of midnight on 27 April 2000.

On 27 April 2000, applicants filed, *inter alia*, the required basic national fee, a Transmittal Letter concerning a filing under 35 U.S.C. 371, a purported English translation of the international application, a preliminary amendment, a Recordation Form Cover Sheet and Assignment, a copy of a German language International Search Report (Form PCT/ISA/210), a copy of a German language Request (Form PCT/RO/101), an executed Declaration and Power of Attorney, and a fee calculation sheet.

DISCUSSION

Review of the record reveals that the transmittal letter filed on 27 April 2000

identified the international application number to which it was directed as "PCT/EP98/05972", but referred to an international application having an international filing date of 14 August 1999. The second page of the Transmittal Letter (fee sheet) referred to PCT/EP99/05972. The declaration filed on 27 March 2000 is also directed to PCT/EP99/05972, whose international filing date is 14 August 1999. The Transmittal Letter also identified a priority date of "14 October 1998," but the priority date of PCT/EP99/05972 was 27 August 1998. In addition, the title and inventor data on the transmittal letter correspond to PCT/EP99/05972. Consideration of all of these facts suggests that this application corresponds to PCT/EP99/05972. **However, the Transmittal Letter submitted by applicants identified the international application number as "PCT/EP98/05972."**

CONCLUSION

In order to continue processing of the national stage application for PCT/EP99/05972, applicant must bring a petition under 37 CFR 1.182 to correct the error in the Transmittal Letter (Form PTO-1390) submitted on 27 April 2000. Such a petition must be accompanied by the proper petition fee.

Applicant is given **ONE (1) MONTH** from the mail date of this Communication to submit the required petition. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



Boris Milef
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459